

REMARKS

The claims have been amended to obviate the rejections of Claims 6, 7, 9-13, 22, 35, 38, 42, 43, 45, and 47-50 under 35 U.S.C. 112, second paragraph.

Claims 1-3, 5-10, 12-14, 16, 18, 19, 22, 24-27, 29-34, 36, 41, 42 and 44-49 have been rejected under 35 U.S.C. 102(e) as being anticipated by Bennetti et al. (5,894,843 or '843). Claims 4, 11, 17, 21, 28, 35, 43 and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bennetti et al.

It was asserted in the Office Action that Bennetti discloses in Fig. 7 "a plurality of suture holders (70)". The Applicant respectfully traverses this interpretation of the '843 patent. The only reference to the feature labeled (70) that the undersigned could locate in the text of the '843 patent was at Column 12, lines 26-17, which states that the "planar surface 62 may also have at least one port 70 for receiving a suture line." There is no disclosure or suggestion in Bennetti that ports 70 can be used to attach a suture line to the "stabilizing means 60" or that sutures can be used in conjunction with the "stabilizing means 60" to compress and occlude an artery. The only reference to the use of a suture line to attach tissue involves the embodiment of Figure 6 wherein a suture line 41 connects a snap fixture 40 to the heart tissue. Bennetti thus fails to disclose or suggest a holder that can attach to a connector, such as a suture line, and that can position the connector to compress an artery against a retaining element surface.

Claims 1-50 have also been rejected under the judicially created doctrine of obviousness type double patenting over claims 1-65 of U.S. Patent No. 6,033,362. A terminal disclaimer has been forwarded to the client for review and signature.

An Information Disclosure Statement (IDS) is being filed concurrently herewith in addition to those references acknowledge by the Examiner in the Office Action. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,

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Dated: April 4, 2001

MARKED UP VERSION OF AMENDMENTSClaim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

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1. (Amended) A surgical device for a coronary bypass procedure comprising:  
a retaining element having an aperture defining an operative site; and  
a holder on the retaining element, the holder positioned to attach a connector to the retaining element, the connector being positioned by the holder to extend [that extends]  
underneath an artery such that the connector compresses the artery against a surface on the retaining element at a first arterial position on a first side of the operative site and at a second arterial position on a second side of the operative site.
6. (Amended) The surgical retractor of Claim 5 further comprising a connector wherein the connector comprises a first cord, the first cord extending through the first lateral section, and a second cord extending through the second lateral section.
9. (Amended) The surgical retractor of Claim [9] 8 wherein the compression surface comprises a tab defining an aperture sidewall.
10. (Amended) The surgical retractor of Claim 9 further comprising a connector wherein the connector extends through a first section of the aperture and a second section of the aperture such that the tab is positioned between the first section and the second section.
11. (Amended) The surgical retractor of Claim 1 further comprising a suction tube attached to the retaining element retractor.
12. (Amended) The surgical retractor of Claim 1 wherein the holder comprises an opening that receives a portion of [the] a connector.

13. (Amended) The surgical retractor of Claim 12 wherein the holder further comprises a second opening that receives a second portion of [the] a connector.
18. (Amended) A method of positioning an artery during surgery comprising the steps of:
  - positioning a retaining element at a surgical site, the retaining element having an aperture that exposes a portion of an artery at the surgical site; and
  - occluding the artery at a first arterial position at a first side of the surgical site [with] by compressing the artery between a connector and the retaining element and occluding the artery at a second arterial position at a second side of the surgical site [with] by compressing the artery between a connector and the retaining element.
22. (Amended) The method of Claim [18] 19 wherein the connecting step further comprises attaching a cord extending through the tissue to a holder on the retaining element.
25. (Amended) A surgical retractor for a coronary bypass procedure comprising:
  - a retaining base having an aperture that exposes an operative site, the base including a cord retainer;
  - a holder on the retaining base; and
  - a cord that attaches to the holder such that artery tissue can be compressed between the cord and the retaining base and held stationary relative to the retaining base with the cord and the cord retainer.
35. (Amended) The surgical retractor of Claim 25 further comprising a suction tube attached to the [retractor] retaining element.
38. (Amended) The method of Claim 37 wherein the connecting step comprises threading a flexible cord under the artery and connecting the cord to a holder on the retaining base, the [hold] holder comprising a manually actuated fastener.

41. (Amended) A disposable surgical retractor for a coronary bypass procedure comprising;  
a plastic retaining base having an aperture that exposes an operative site, the aperture extending along a longitudinal axis of the base;  
a plurality of holders on the retaining base such that a first holder is positioned on a first side of the aperture and a second holder is positioned on a second side of the aperture,  
the first holder and the second holder being positioned to attach a cord to the retaining base  
such that the cord compresses a coronary artery against a portion of the retaining base; and  
an arm attached to the base and extending above the base such that a user can position the base at the operative site with [a] the coronary artery exposed through the aperture.
42. (Amended) The surgical retractor of Claim 41 wherein the retaining [element] base comprises a planar base section surrounding the aperture.
43. (Amended) The surgical retractor of Claim 41 further comprising an irrigation channel in the retaining [element] base.
45. (Amended) The surgical retractor of Claim 44 further comprising [wherein the cord comprises] a first cord, the first cord extending through the first lateral section, and a second cord extending through the section lateral section.
47. (Amended) The surgical retractor of Claim 41 wherein the retaining [element] base comprises a compression surface that compresses an artery to control blood flow in the artery.
48. (Amended) The surgical retractor of Claim [41] 47 wherein the compression surface comprises a tab defining an aperture sidewall.
50. (Amended) The surgical retractor of Claim 41 further comprising a suction tube attached to the [retractor] retaining base.